

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
118595/FO/2017	18th Dec 2017	12th Apr 2018	Longsight Ward

**Proposal** Part Retrospective application for the retention of a 2 storey building to form residential dwelling with undercroft car parking for use by Dar Ul Loom Mosque and associated boundary treatments (resubmission of expired permission 099548/FO/2012/N2)

**Location** Land To The Rear Of 53-87 Stamford Road, Land To The Rear Of 48-82 Slade Grove And Land Adjacent To 4 Hawkhurst Road, Manchester, M13 0ST

**Applicant** Mr Mohsin Munif , 410 Didsbury Road, Heaton Mersey, Stockport, SK4 3BY

**Agent** Mr Jeffrey Goodchild, Jeffrey C Goodchild MCIAT, 62 Belmont Avenue, Springhead, Oldham, OL4 4RS,

### **Site Description**

The application site comprises a linear surface car park located between the existing roads and residential properties on Hawkhurst Road, Beresford Road, Slade Grove and Stamford Road. The car park is owned and used for car parking and storage by the Dar Ul Uloom Islamia mosque, which is located at 1 Hawkhurst Road on the corner of Hawkhurst Road and Stamford Road. The car park has vehicular access points on both Hawkhurst Road and Beresford Road. The site is surrounded by existing boundary treatments and is surfaced in tarmac.

The main area of the site that is the subject of the development proposals included in this application is at the Hawkhurst Road end of the linear car park, located between 4 Hawkhurst Road and the rear of 48 to 52 Slade Grove.

The application site is located within a predominantly residential area with a number of community uses close by, including St Agnes Primary school, religious buildings and some small scale commercial/industrial units.

### **Site History**

Planning permission 099548/FO/2012/N2 was approved in February 2013 for the erection of a 2 storey building with additional accommodation in the roof space to form a residential dwelling with undercroft car parking for the Imam and his family associated with the Dar Ul Uloom Mosque. This was on land within the existing linear car park at the Hawkhurst Road end of the site, between No. 4 Hawkhurst Road and to the rear of 48 to 52 Slade Grove. The planning application was approved subject to 13 conditions, including one that restricted the use of the dwelling to accommodation connected to the mosque only, and not for general use under the C3 use class.

Following the approval of application 099548/FO/2012/N2, the Planning Service received a subsequent application 111947/FO/2016/N2 in May 2016 for the erection of a two storey building to form 1 no. 3 bedroom flat (Class C3) on the first floor and 1 no. 2 bedroom flat on the second floor in the roof space with the hearse garage space at the ground floor level. However, this application was withdrawn on the 10th August 2016.

Planning permission 099548/FO/2012/N2 expired on the 1st February 2016, however the Planning Service received notification from a neighbour in July 2017 that work was being completed at the site. An officer from Development Compliance visited the site and advised that as the original permission had expired, work had to stop on site. The property has currently been constructed up to roof level. The applicant was advised that before any further work could be continued at the site, a new full planning permission was required to build the residential dwelling with the car parking for the mosque.

### **Current Application**

Therefore, planning permission is now sought for the part erection, part retention of this 2 storey 4 bedroom residential property with additional accommodation in the roof space to be used by the Imam from the mosque. The property is located at the Hawkhurst Road end of the linear car park and would have a front garden with landscaping and a car parking space for the occupants of the house, all located behind a brick wall and railing boundary treatment.

The ground floor of the property includes access to the upper floors of accommodation directly from Hawkhurst Road, and two double garages accessed to the side from within the secure car parking area for the use of parking the funeral vehicles for the mosque.

The property then comprises a lounge, kitchen, bathroom and two bedrooms at the first floor level with two further bedrooms in the second floor roof space. The proposals also include the provision of a rear roof dormer overlooking the existing car park to the rear. The site layout plan also shows bin storage area immediately to the rear of the property.

The application also includes the reconfiguration of the existing car park to provide 45 car parking spaces, 4 disabled car parking spaces and a cycle parking for 6 bicycles all within the secure boundary. The car park would have a vehicular entrance off Hawkhurst and egress onto Beresford Road, with crocodile teeth shown at the entrance on Hawkhurst Road to restrict cars from exiting via this access.

### **Consultations**

#### Local Residents

A number of letters and emails have been received from local residents objecting to the application. There has been 14 letters received in total and the comments made can be summarised as follows:

- 1) The proposed building has already been erected.
- 2) The building has been erected on the boundary wall leaving a minimal gap between both properties, which could prevent the future maintenance of the new and existing properties.
- 3) The proposed development by reason of its size, depth, width, height and massing would have an unacceptable adverse impact on the properties and surrounding area by reason of overlooking, loss of privacy, visually overbearing impact i.e loss of light, overshadowing the garden and back of property.
- 4) Concerned about children playing in the garden (safeguarding) etc.
- 5) Traffic and noise, pollution, blocking entrance of car parking on busy days. The building will make it hard for car manoeuvring in and out of the car park especially on busy days including Fridays. The car park space is now inadequate and cars are being parked all over the roads/streets of surrounding areas and at times even blocking access to driveways. The application states that the car park is under used, which is a huge under statement, as there are over 1000 worshippers attending on Fridays. Most days when there is a funeral, the cars are overflowing onto the road and people running late just leave their cars in middle of the road causing a disturbance and obstruction. Photographs of this activity has been provided. There is already an issue with parking on Slade Grove / Hawkhurst Road as St Agnes's School have no parking and the teachers use the roads for parking.
- 6) As the hearses are used by the mosque as private ambulances, there are comings and goings 24 hours a day. Concerns over the roller shutters opening and closing through the night causing noise disturbance.
- 7) This is not a good site for a family to live in, as there is no front or rear garden. Don't think young children would be comfortable living above parking for hearses. Therefore, it is believed that this accommodation will be used as for renting rooms to individuals, which is a big concern.
- 8) The building is built on the 4 disabled bays the mosque provided for disabled people. This means they have lost the disabled bays, but if replaced further within the site, this would be a lot more walking distance to park and walk to Dar Ul Loom Mosque.
- 9) The building is an eyesore.
- 10) There is a high voltage power cable that was clipped to the boundary wall that is left loose dangling which is very dangerous working practice.
- 11) The top concrete plate that was hanging equally on both sides of the boundary wall has now been moved across to create space to build the property.
- 12) Approaches are being made to local people asking if anyone is looking for rooms to rent, as these will be available once the property is finished. Information has also been provided to show that the Imam for the mosque has been housed elsewhere in

the area and therefore, this property will not be occupied by the Imam and family. If this was the real reason, why the previous application for flats withdrawn which the council advised them was would be refused. All along they wanted to rent this accommodation. The mosque have bought a house a number of years ago for the Imam from public funds, which is a stones throw away from Dar Ul Uloom, which at this present time is rented out to someone and drawing in a rent income.

13) Introducing 2 stewards is not enough to control traffic, which should of been done years ago.

14) Not happy about the way local residents have been treated regarding this building construction. Neighbours have been deceived about the building and currently still being deceived. Each time residents have objected to the site, the mosque is allowed to generate a new design and amend plans.

#### Greater Manchester Police

GMP would recommend that the dwelling is built to Secured by Designs standards, and a condition should be put in place to ensure the dwelling receives SBD accreditation before occupation. GMP have no major concerns, apart from that the dwelling should be separated from the car park from the rear, where this can be managed when the public would need to enter the car park from Hawkhurst Road. Dusk-till Dawn lightings should be installed to all elevations of the building, especially front and rear door.

#### Highway Services

There are 56 existing car parking spaces. The car park indicates 54 car spaces in total, this includes 45 standard car spaces plus 4 disabled spaces, 4 hearse spaces and 1 space for the Iman. Although this is a small reduction in spaces, the applicant should provide confirmation that the loss of general visitor parking spaces will not create additional demand for on-street parking particularly during peak use times.

The revised car park layout is acceptable in principle. MCC Highways welcomes the one way system and the enforcement of traffic flow direction with the implementation of a physical barrier to prevent traffic travelling in the wrong direction. Confirmation is sought that the gates at either end of the car park will be appropriately managed.

It is mentioned that car park marshalls are used during busy times to manage the car parking demand. Given the revised car park layout, it is recommended that a car park and event management plan is developed for the site. This should set out the arrangements for managing on and off site parking for the place of worship and should include: - How on site car parking will be managed on days of worship and event days; - The location and management of any off site car parking (including the use of Marshalls); - A scheme for the management and dispersal of worshipers to, and following worship/events, from the building and to off site car parking areas.

It is unclear whether the existing Mosque has a travel plan, given the large number of members, it is highly recommended that the Mosque implements a Travel Plan to encourage sustainable travel.

To further encourage sustainable travel it is recommended that secure, sheltered cycle parking is provided at the proposed residence and the Mosque.

Following the submission of additional information by the applicant in relation to car parking, a car park management plan, a travel plan and cycle parking, Highway Services have now confirmed that the proposals are acceptable in principle. It is acknowledged that this application is for the residential property and not for the creation of a Mosque, as such Highway Services are willing to accept the proposed travel guidance note and car park management strategy provided.

### Environmental Health

No objections to the proposals subject to the inclusion of conditions relating to the following matters; Construction management plan, acoustic insulation of the residential accommodation, contaminated land and waste management.

### **Policy Context**

#### The National Planning Policy Framework

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role, contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role, supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the communities needs and support its health, social and cultural well-being; and
- an environmental role, contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF states that where proposed development accords with an up-to-date Local Plan it should be approved.

The proposals would provide necessary residential accommodation for the mosque in a predominantly residential area, does not harm the character of the area, and as there would not be any significant impacts on the residential amenities of adjoining occupiers and as set out in this report are indicated as being in accordance with the up to date Core Strategy Development Plan Document and therefore accord with the main principles of the National Planning Policy Framework.

## Relevant Local Policies

### Core Strategy

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key Development Plan Document in the Local Development Framework (LDF). It replaces significant elements of the existing Unitary Development Plan as the document that sets out the long term strategic policies for Manchester's future development, the Core Strategy is to be used as the framework that planning applications will be assessed against.

There are a number of relevant policies within the adopted Core Strategy relevant to the consideration of the current application in summary these are set out below.

Policy SP1 relates to the overarching spatial principles which will guide the strategic development of Manchester to 2027 these include:

1. Beyond the Regional Centre and the Airport, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.
2. The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe
3. Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.
4. Development in all parts of the City should make a positive contribution to neighbourhoods of choice including:-
  - a. creating well designed places that enhance or create character.
  - b. making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
  - c. protect and enhance the built and natural environment.
  - d. minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
  - e. improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM1 of the Core Strategy states:

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

As this proposal is for residential accommodation, Policy H1 is relevant in this case. Policy H1 states that approximately 60,000 new dwellings will be provided for in Manchester between March 2009 and March 2027. This equates to an average of 3,333 units per year, however the rate of delivery of units will vary across the lifetime of the Core Strategy.

Based on the availability, suitability and achievability of developing capacity sites in Manchester's Strategic Housing Land Availability Assessment, and the current economic situation, the trajectory overleaf provides an indication of the timescale over which development is likely to come forward. New housing will be predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester. The application site is located within Central Manchester and is therefore, suitable for this type of development.

Policy H1 goes on to outline that proposals for new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population, including elderly people, disabled people, people with specific support requirements, BME communities, Gypsies and Travellers and Travelling Showpeople;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes into account the availability of developable sites in these areas;
- Contribute to the design principles of Manchester's Local Development Framework, including in environmental terms. The design and density of a

scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space, including in high density development (in which this could be in the form of balconies, as well as shared open spaces such as green roofs). Schemes should make provision for parking cars and bicycles (in line with policy T2); and the need for appropriate levels of sound insulation.

- Address any existing deficiencies in physical, social or green infrastructure, or future deficiencies that would arise as a result of the development, through developer contributions or on site provision;
- Prioritise sites which are in close proximity to centres or high frequency public transport routes.
- Take account of any environmental constraints on a site's development (e.g. flood risk through the Manchester-Salford-Trafford Strategic Flood Risk Assessment, or other statutory designations).
- Be designed to give privacy to both its residents and neighbours.

Policy T2 'Accessible areas of opportunity and needs' states that the Council will actively manage the pattern of development to ensure that new development:

- Is located to ensure good access to the City's main economic drivers, including the regional centre and to ensure good national and international connections;
- Is easily accessible by walking, cycling and public transport; connecting residential to jobs, centres, health, leisure, open space and educational opportunities. Particular priority will be given to providing all residents access to strategic employment sites including - links with East Manchester to employment locations such as Eastlands.

Applications should include appropriate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

As set out within the issues section of this report below, the application proposals are considered to accord with policies SP1, DM1, H1 and T2 of the Core Strategy.

### **Supplementary Guidance**

#### The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (adopted April 2007)

National Policy Guidance outlines that to facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and techniques, such as Design Coding alongside urban design guidelines, detailed masterplans, village design statements, site briefs and community participation techniques.

In the City of Manchester, the relevant design tool is the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance. The Guide states the importance of creating a sense of place, high quality designs, and respecting the character and context of an area. The Guide to Development in



Manchester Supplementary Planning Document and Planning Guidance provides a framework for all development in the City and requires that the design of new development incorporates a cohesive relationship with the street scene, aids natural surveillance through the demarcation of public and private spaces and the retention of strong building lines and appropriate elevational detailing and strong design particularly to corner plots.

## **Issues**

### Principle

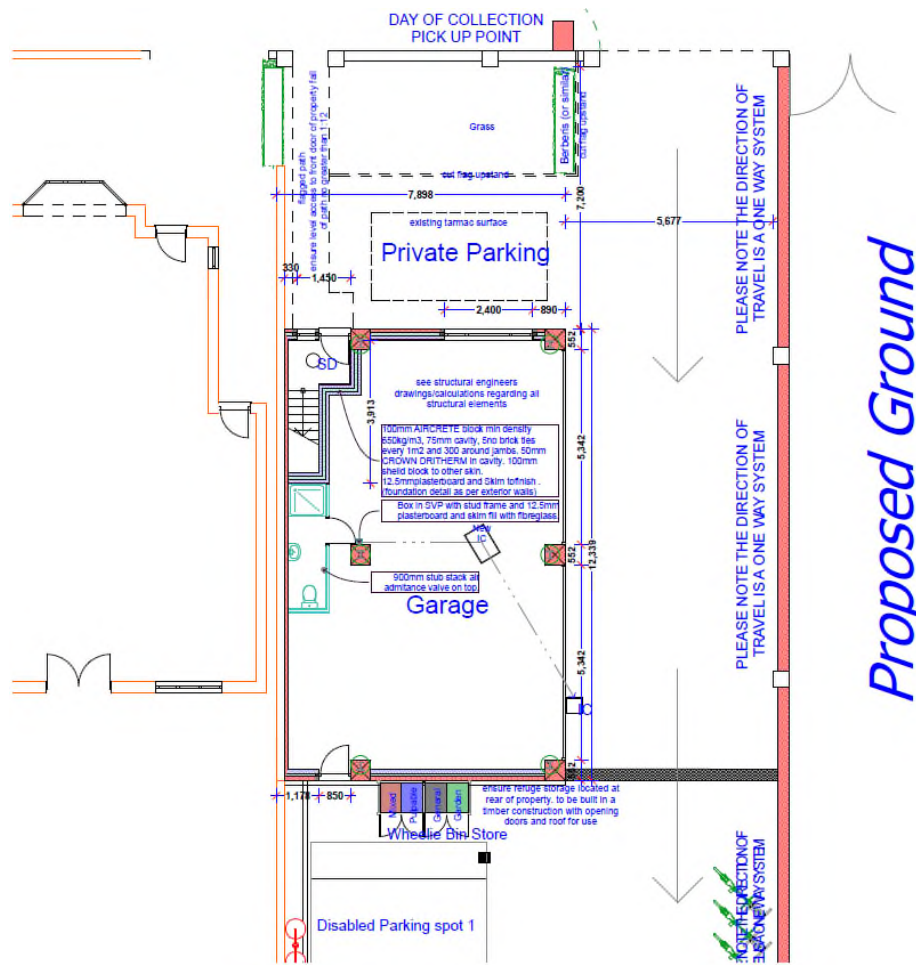
Policy H1 states that proposals for new residential development should take account of the need to contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population, including elderly people, disabled people, people with specific support requirements. The principle of providing a house at the application site with parking on the ground floor for the mosque funeral vehicles with 2 floors of residential accommodation above was previously considered to be acceptable under application 099548/FO/2012/N2.

The provision of a residential property on this site within a predominantly residential area to meet the specific needs of the Dar Ul Uloom mosque is considered to be acceptable in principle and in keeping with the surrounding uses. However, the impact of the new house on the character of the area and the surrounding residential properties requires full assessment.

### Site layout

The proposed residential property is sited to front onto Hawkhurst Road, but set back within the site to provide a decent sized front garden to the property with some landscaping behind good quality boundary treatment. This also allows for a car parking space to be provided for the residents of the property.

This can be seen below:



The stepping back of the property also reduces the impact on the adjacent property and relates better to the adjacent property on Hawkhurst Road within the street scene. Therefore, it is felt that the application has secured an appropriate site layout in relation to the surrounding area.

The wider site layout plan can be seen below:



The proposed refuse storage area for the property is shown to the rear of the building along the rear garage wall and therefore, again this is considered to be appropriately sited to screen the bins from the street scene.

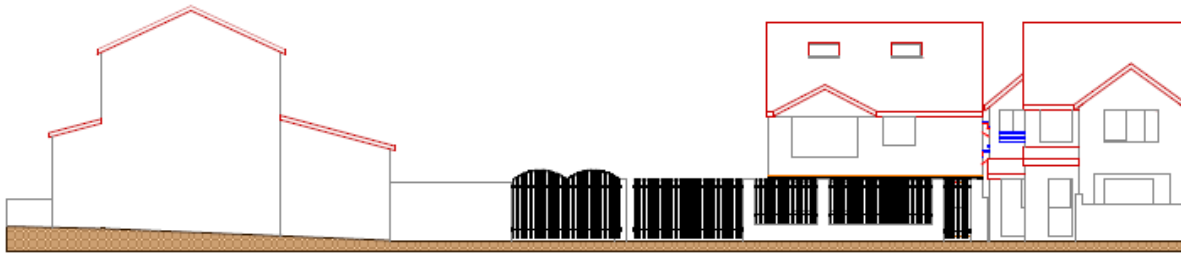
The proposals also include the reconfiguration of the existing car park to create 45 car parking spaces, 4 disabled spaces and cycle parking for 6 bicycles. This can be seen on the plan above. The car park then has an entrance from Hawkhurst Road and an exit onto Beresford Road to ensure one direction of flow of vehicles.

The site layout shows that consideration has been given to layout of this development to ensure that it has responded to the surrounding context and has

maximised the frontage within the street scene and other important features of this site. Therefore, it is considered that the proposed development complies with Policies EN1 and DM1 of the Core Strategy, along with the Guide to Development in Manchester.

### Design and Appearance

It is considered that the design of the proposed development has been to adopt many of the key characteristics of the surrounding area. This proposal includes the creation of good residential accommodation that will improve the appearance of the site and the area, by providing garage parking for larger funeral vehicles and screening the mosque car park from the street scene on Hawkhurst Road. The proposed dwelling has a traditional design that utilises the positive features of the surrounding properties. The building is 2 ½ storeys in height, however it has the same ridge height as the adjacent properties as two bedrooms are provided within the roof space with a rear dormer. This can be seen in the street scene plan below:



The design of the new house is to be sympathetic to the existing buildings and address the street with a building frontage and elevational interest. Despite the garage use behind the facade on the ground floor, a ground floor window has been included within the design to match the first floor bay and features from adjacent properties and create some architectural interest to the front elevation.

The materials have been stated in principle to be traditional and in keeping with those existing in the area. This would be through the use of traditional bricks and tiles to compliment the surrounding traditional designed properties. The proposed house has habitable room windows overlooking the street to increase visual surveillance and to be in line with the City Council's Guide to Development. The existing boundary treatment along the front of the proposed house onto Hawkhurst Road is to be retained, which includes a brick wall and railing design with brick piers to create a suburban appearance.

Overall, it is considered that the proposal will be a good quality building that will provide an appropriate frontage to Hawkhurst Road and will screen the car park behind. It is recommended that a condition of the planning approval is that the final materials are agreed with the applicant to ensure they are suitable. The design will create a general improvement to the overall appearance within this immediate area and therefore, the design and external appearance of this development to be acceptable.

## Car Parking & Highways

Policy T2 of the Core Strategy seeks to encourage modal shifts away from the car and locate new development that is accessible by walking, cycling and public transport. Policy DM1 goes on to state that traffic generation and road safety must be considered as part of new developments.

The application confirms that a total of 54 car parking spaces are still being provided within the secure car park at the application site. This includes 45 general parking spaces, 4 disabled car parking spaces, 4 spaces for the funeral vehicles within the garage and 1 space for the Imam within the front garden. The existing car park contained 56 spaces in total and therefore this only constitutes a reduction in 2 spaces overall.

It is necessary to state that this application is for the proposed residential property and not for the mosque itself. A number of objections received are in relation to the significant parking problem there is around this area from the mosque and the nearby school. However, this cannot be fully considered as part of this application, as permission is not being sought for these existing uses. However, the main assessment here is the potential impact or worsening of this existing situation from the siting of the new residential property within the existing car park.

As outlined above, with the reconfiguration of the car park, the proposed garage parking for the hearses and the car parking space for the new property, the number of spaces from existing is only reducing by 2 and this is not significant enough to warrant refusal of the application.

Notwithstanding the matter that permission is not being sought for the mosque itself, the applicant has completed and submitted both a Car Parking Management Plan and a Travel Plan for the mosque to attempt to improve the parking problems within this area to reduce the impact on local residents. It has also been confirmed through the submission of a Car Parking Management Plan that the mosque will provide 2 car parking marshalls as a minimum that will be engaged to direct traffic. One marshall will be sited in Hawkhurst Road to direct traffic into the secure parking area. This marshall will also encourage members to use the parking area rather than parking on surrounding streets and in inappropriate locations around the mosque. They can monitor street parking and report back to the committee to see if any further encouragement is necessary to use the car park.

The second marshall would be located within the car park to direct traffic into the marked out bays to ensure maximum use. The marshalls will also ensure that both the gates onto Hawkhurst Road and Beresford Road are open and will direct the car park traffic in the direction of flow out onto Beresford Road. With the marshalling system in place, this will hopefully ensure that the car park is kept as full as possible. As shown on the site layout plan, crocodile barriers are also proposed at the Hawkhurst Road access to restrict the use of this access for egress, only making it possible to travel in the direction shown. In addition, cars will not be able to enter from the Beresford Road access, due to the positioning of a further crocodile barrier.

A travel plan has also been provided by the applicant for the mosque, which states that the members of the congregation should be aware of the need to discourage the use of cars and that they should consider the following alternatives; public transport, cycling, walking and car sharing. It states that if a car must be used, then there is a request to follow the directions of the marshalls and try not to park on street, as this causes bad relations with neighbours. The aim of the travel plan is that the committee should record the numbers of the congregation and how they travel to meetings. This should be translated into setting targets per month to try and reduce car travel. Also to set out initiatives to encourage car sharing, to encourage a good interaction with the local residents and to discourage people parking inappropriately and irresponsibly.

In addition to the above, cycle parking has been introduced into the secure car park to encourage visitors to cycle to the site rather than by car. The site plan now shows the position of 6 no. spaces within the car park.

The above shows that the parking demand for the mosque can still be met within the car park even with the slight reduction in spaces from the development. The larger funeral vehicles will now be parked within the ground floor garages and the Imam is provided with a parking space within the front garden area of the new property. Therefore, it is considered that this development has adequate and satisfactory car parking provision.

#### Residential Amenity

It is acknowledged that there are residential properties directly surrounding the application site and there would be an increase in the amount of development on the site compared to the existing car park. Letters of objection have been received from adjacent residents, which include concerns about overlooking, loss of privacy and overshadowing due to the relationship between the new house and existing.

Due to the orientation of the development site to the north of the existing properties on Slade Grove, there will be no loss of sunlight experienced by these properties created by the new property. The siting of the new house was amended in the previous application in order to reduce the overshadowing impact on the adjacent house on Hawkhurst Road. Therefore, it is considered that the building has been designed and sited to reduce the overshadowing and overbearing impact on the adjacent properties.

In relation to overlooking and a loss of privacy, the windows on the rear of the property will overlook the car park area and would not directly overlook the rear private gardens of any of the adjacent properties. There are no windows in the side elevation facing number 4 Hawkhurst Road that would cause a loss of privacy to this property. However, there is a high level window in the second floor of the side elevation facing the rear of the existing properties on Slade Grove. Therefore, a condition has been included to ensure that opaque glazing is used within this window to ensure that there will be no overlooking or loss of privacy caused by this window.

The proposed property has also been designed to be the same height as the properties that immediately surround it. As shown above, the ridge height of the new

property is the same as the property at 4 Hawkhurst Road and the semi-detached properties on Slade Grove and therefore, this would not create an overbearing impact on the surrounding houses.

In relation to noise and general disturbance, this would be limited to the occupants of the residential accommodation coming and going which would not result in an unacceptable level of activity or noise. Concerns have been raised about the use of the funeral vehicles throughout anti-social hours and the potential noise from the garage doors/roller shutters being operated through the night. The applicant has confirmed that the hearse vehicles will not be used between the hours of 10pm and 8am and therefore, a condition has been included to restrict the operation of the roller shutters during these hours of the night. Therefore, it is not considered that the development would result in an unacceptable increase in the noise and general disturbance to existing residents.

Therefore, on balance, it is considered that the development proposals are acceptable in terms of its impact on residential amenity within the area.

#### Other Objections Raised

Concerns have also been received in relation to the general disturbance from traffic, the proposed use of the accommodation and on the way that local residents have been treated throughout this application. These issues will now be addressed below.

As outlined earlier in this report, planning permission is being sought through this application for the provision of a residential dwellinghouse connected with the mosque and not for the mosque itself. It is acknowledged that there are existing problems with traffic, parking and general noise associated with the busy mosque however this cannot be resolved through this planning application. It has been outlined above that there is only a loss of 2 car parking spaces to accommodate the new building and that the applicant has provided ample information with the application in relation to parking requirements, a car parking management plan and a travel plan for the mosque. Therefore, the matter of disturbance from traffic using the mosque cannot be considered any further for this application than has already been addressed above.

It has been stated through letters from local residents that the proposed accommodation would not be used as claimed within the application submission for the Imam and that the bedrooms would be rented out separately to make a revenue for the mosque. The application does confirm that the proposed accommodation is intended for the Imam and this has to be taken as face value. However, a condition has been included to restrict the use of this accommodation to a single family unit rather than as a house in multiple occupation. If the property was occupied in this way following its completion, this would become a development compliance issue that could be investigated and action taken if appropriate.

Finally, as with all applications, the comments received through the consultation/neighbour notification process have been fed back to the applicant and they have been allowed to respond and attempt to address the concerns raised. Once this additional information had been received, a further neighbour notification /

consultation was completed to enable all residents and contributors to assess the additional information and submit further comments if they wished to. All of the comments and the additional information have now been fully assessed by the Council, and it is considered that the development proposals are considered to be acceptable and in compliance with policy.

### Conclusion

In conclusion, the principle of a building in this location to provide ground floor garage parking for the mosque funeral vehicles with residential accommodation for the Imam above was considered to be acceptable and compliant with Local and National Planning policies and was therefore, subsequently approved by the City Council in February 2013. Since that time, there has been no significant change in policy in that Core Strategy policies SP1, DM1, H1 and T2 are still applicable in this case. An assessment of the proposals has again been made through this current application in relation to these policies, and on the basis of the matters discussed above in this report, the proposed residential property remains acceptable and compliant with policy. Additional information and work has been done by the applicant to address the concerns raised by local residents in relation to traffic and parking problems and the property has been sited and designed to minimise the impact on the amenity of the surrounding properties.

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      APPROVE**

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The application is the result of the previous permission expiring before a recognised start on site commenced. Therefore, pre-application advice was sought from the City Council prior to the submission of this planning application in relation to

the need for a further application. The proposed scheme is the same in principle as the permission sought previously, however further information and minor amendments have been made to address concerns raised through consultation on this application. Officers worked in a positive and proactive manner with the applicant to negotiate an acceptable scheme. Therefore, the scheme is now acceptable and in accordance with the Development Plan.

### **Reason for recommendation**

#### **Conditions to be attached to the decision**

1) The development must be re-commenced not later than the expiration of one year beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing numbered T1089 Site Location Plan  
Design and Access Statement  
stamped as received by the Local Planning Authority on the 18th December 2017

Email from Jeffrey Goodchild dated 7th February 2018

Drawings numbered:

T1089.2.3 P1/14 dated 13th March 2018

T1089.2.3 P2/14 dated 13th March 2018

T1089.2.3 P3/14 dated 13th March 2018

T1089.2.3 P4/14 dated 13th March 2018

T1089.2.3 P5/14 dated 13th March 2018

T1089.2.3 P6/14 dated 13th March 2018

T1089.2.3 P7/14 dated 13th March 2018

T1089.2.3 P8/14 dated 13th March 2018

T1089.2.3 P9/14 dated 13th March 2018

T1089.2.3 P10/14 dated 13th March 2018

T1089.2.3 P11/14 dated 13th March 2018

T1089.2.3 P12/14 dated 13th March 2018

T1089.2.3 P13/14 dated 13th March 2018

T1089.2.3 P14/14 dated 13th March 2018

stamped as received by the Local Planning Authority on the 14th March 2018

Letter from Jeffrey Goodchild dated 13th March 2018

Car Park Management Plan dated 13th March 2018

Travel Plan for Dar Ul Loom Mosque dated 13th March 2018

stamped as received by the Local Planning Authority on the 19th March 2018

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, DM1, H1 and T2 of the Core Strategy.



3) Within one calendar month from the date of this permission, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority. The development shall then be constructed in accordance with the approved materials scheme.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from Hawkhurst Road, the Mosque car park, and nearby school/commercial/industrial premises shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling is occupied.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

5) Notwithstanding the bin storage area shown on the approved drawings, the development hereby approved shall not be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of residential and public amenity, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

6) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref T1089.2.3 P2/14 dated 13th March 2018, shall be implemented not later than 12 months from the date of re-commencement of works. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

7) In this condition "retained tree" means an existing tree, shrub or hedge which is located within the site edge red and not listed as being removed or affected on the submitted application forms; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)
- b. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- c. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policy EN9 of the Core Strategy.

8) The reconfigured car park with access and egress controls as shown on the approved plans numbered T1089.2.3 P2/14 dated 13/03/18 and T1089.2.3 P14/14 dated 13/03/18 stamped as received by the Local Planning Authority on the 14th March 2018 shall be properly surfaced, demarcated and made available for use prior to the building hereby approved being occupied and at all times whilst the site is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1 and SP1 of the Core Strategy for the City of Manchester.

9) a) Within one calendar month from the date of this permission, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not re-commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development re-commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site

Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development re-commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

10) The development hereby approved shall be constructed in accordance with the boundary treatment described in the Design and Access Statement and details shown on the drawings numbered T1089.2.3 P2/14 dated 13/03/18, T1089.2.3 P11/14 dated 13/03/18 and T1089.2.3 P14/14 dated 13/03/18 stamped as received by the Local Planning Authority on the 14th March 2018, in relation to the positions and design of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of the new building. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with policies SP1 and DM1 of the Core Strategy.

11) The windows in the southern elevation of the residential property hereby approved facing the rear of the properties on Slade Grove shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with Policy DM1 of the Core Strategy for the City of Manchester and saved Policy DC1 of the Unitary Development Plan.

12) Prior to the re-commencement of the development hereby approved, full details of the proposed roller shutters to be installed within the development shall be submitted to and agreed in writing by the City Council as Local Planning Authority before these are in place, including the design, material, colour, security specification, and the location of the housing for the mechanism. The development

shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - In the interests of visual amenity and in order to ensure that the appearance of the building is in keeping with the character of the area, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

13) In accordance with the email received from Jeffrey Goodchild dated 7th February 2018, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification), the development hereby approved shall only be used as one 4 bedroom unit of residential accommodation in association with the Dar Ul Loom mosque (not in multiple occupation), or, as a single family dwelling. No part of the residential element of the development hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

14) The roller shutters for the garages on the ground floor of the development hereby approved shall only be operated during the hours of 8am to 10pm Mondays to Sundays and shall remain closed at all times outside of these hours.

Reason - To protect the amenity and living conditions of adjacent residential properties from general noise and disturbance in accordance with Policy DM1 of the Core Strategy for the City of Manchester and saved Policy DC1 of the Unitary Development Plan.

15) The development hereby approved shall be operated in accordance with the car parking management strategy outlined within the document titled 'Car Park Management Plan' dated 13th March 2018 and submitted on the 19th March 2018 and shall be retained in perpetuity for as long as the property is occupied.

Reason - To ensure that a satisfactory car parking management strategy is implemented for the development that respects the highway network and residential amenity of the area in accordance with Policies SP1, T2 and DM1 of the Core Strategy.

16) Within one calendar month from the date of this permission, details of the measures to be incorporated into the development to demonstrate how secure by design accreditation will be achieved shall be submitted to and approved in writing by

the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

17) Prior to the re-commencement of the development hereby approved, a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- Display of an emergency contact number;
- Details of Wheel Washing;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy and swept path analysis;
- Parking of construction vehicles and staff; and
- Sheeting over of construction vehicles.

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (July 2012).

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 118595/FO/2017 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

### **The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Environmental Health  
MCC Flood Risk Management  
Highway Services  
Greater Manchester Police  
Highway Services  
Environmental Health  
MCC Flood Risk Management  
Greater Manchester Police

A map showing the neighbours notified of the application is attached at the end of the report.

**Representations were received from the following third parties:**

4 Hawkhurst Road, Manchester, M13 0ST  
52 Slade Grove, Manchester, M13 0SJ  
4 Hawkhurst Road, Manchester, M13 0ST  
48 Slade Grove, Manchester, M130sj  
48 Slade Grove longsight, Manchester, M13osj

**Relevant Contact Officer :** Jeni Regan  
**Telephone number :** 0161 234 4164  
**Email :** [j.regan@manchester.gov.uk](mailto:j.regan@manchester.gov.uk)



 Application site boundary  Neighbour notification  
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